

REMARKS

Claims 1-14 are currently pending in the application, with claims 1 and 13 being independent. Claims 1, 13 and 14 have been amended to better define the present invention. Applicant respectfully requests the Examiner to enter these amendments into the record and provide a timely allowance of the pending claims.

Claim Objections

In the Final Office Action, the Examiner objected to claims 13 and 14 because the preamble, “[a] containing equipment” is alleged as being awkward. While Applicant does not concede the propriety of the Examiner’s objection, Applicant amends claims 13 and 14 to advance the prosecution of the application.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1, 5, 6 and 8-14 under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 6,740,606 to Umezawa et al (“Umezawa”). Applicant traverses the Examiner’s rejection of these claims because the Examiner has failed to establish a *prima facie* case of anticipation.

Umezawa merely discloses a laminated sheet having electromagnetic wave shielding affects and a manufacturing method therefor, wherein the laminated sheet is transparent and has electromagnetic wave shielding properties (Abstract). The disclosed shielding properties are the result of embedding a conductive mesh 3 within a thermoplastic resin layer 2 to form a laminated sheet (column 3, lines 4-7; Figure 3). Umezawa further discloses that the resin layer 2 is formed by using flat thermoplastic resin sheets (column 4, lines 25-27). Additionally, Umezawa further discloses that a preferable example of the resin is an acrylic-type resin, which has superior surface

hardness and durability characteristics (column 5, lines 4-19), and uniform thermal properties (column 3, lines 20-21).

Conversely, Umezawa fails to disclose, at least, “a heat radiating elastic member arranged around an electromagnetic wave generating unit to radiate heat generated by the electromagnetic wave generating unit,” as recited in claim 1 and “a heat radiating receptacle which radiates heat generated by a content not to heat up the content,” as recited in claim 13. (Emphasis added.)

Umezawa is distinguished, at least, by the claimed features provided above in that Umezawa is directed at acrylic resin sheets which would not be expected to radiate heat generated by an electromagnetic wave generating unit. Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of claims 1 and 13. Claims 5, 6 and 8-12 depend from claim 1 and are allowable by virtue of their dependency. Claim 14 is allowable by virtue of its dependency from allowable claim 13.

Furthermore, Applicant notes that the Examiner summarily rejected claims 8-14 without providing any explanation whatsoever as to why these claims were rejected nor any cites in the applied prior art to support said rejections. Because no substantive comments were provided for the rejections of claims 8-14 in the § 102(b) rejection to Umezawa, Applicant cannot adequately respond to these rejections. Applicant therefore respectfully requests the Examiner to provide another Office Action which adequately explains the § 102(b) rejection of claims 8-14.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Umezawa. Applicant respectfully traverses this rejection.

Claim 14 depends from allowable claim 13, and contains all of the recitations recited therein. As provided above, Umezawa fails to disclose all of the features recited in claim 13.

Moreover, as the Examiner admits, Umezawa fails to teach, at least, “a board, wherein the content is arranged on one side of the container and the board is arranged on another side of the container.” In an attempt to cure this deficiency, the Examiner asserts that “it is well known to those of ordinary skill in the art that cushions are used for boards in electronic devices” (Office Action: page 3, paragraph 5, lines 6-8).

It appears that the Examiner is taking Official Notice and asserting what is well known to those of ordinary skill in the art. The Examiner is respectfully reminded of the provisions of M.P.E.P. § 2144.03, in the precedent provided in *Dickinson v. Zurko*, 527 US 150 (1999), and *In re Ahlert*, 24 F2d 1088, 1091 (CCPA 1970). An official notice rejection is improper unless the facts asserted are well known or common knowledge in the art, and capable of instant and unquestionable demonstration as being well known. It is never appropriate to solely rely on common knowledge without evidentiary support in the record as the principal evidence upon which the rejection is based. Accordingly, Applicant traverses the Official Notice and requests the Examiner to either cite a competent prior art reference in substantiation of these conclusion, supply a personal Affidavit supporting the Examiner’s allegation, or else withdraw the rejection.

Citing to Prior Art References

Applicant notes the Office Action lacks specific cites within the Umezawa reference supporting the alleged disclosures for both the §§ 102(b) and 103(a) claim rejections. Applicant therefore must assume the portions of these references the Examiner relied upon for the basis of these rejections. If the Examiner maintains the rejections based upon the Umezawa reference, Applicant respectfully requests the Examiner to provide a full and complete explanation of these

rejections in another Office Action so Applicant may have an adequate opportunity to properly respond to these rejections.

Furthermore, Applicant respectfully submits the Examiner has the burden of pointing out the portions of each reference the Examiner has relied upon. "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied upon must be designated as nearly as practicable." See 37 C.F.R. § 1.104(c)(2).

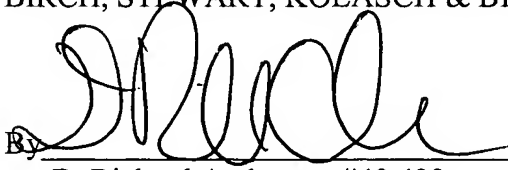
Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
D. Richard Anderson, #40,439


DRA/JAV/slb
1163-0479P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000